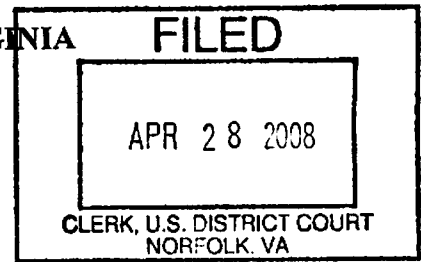


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



BARRY C. BRIGHT, #340374,

Petitioner,

v.

ACTION NO. 2:07cv506

**GENE M. JOHNSON, Director of the
Virginia Department of Corrections,**

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions on October 27, 2004, in the Circuit Court for the City of Portsmouth for possession of a firearm after a felony conviction, distribution of controlled substance on or near school property, possession of a firearm while in possession with intent to distribute a controlled substance, and possession with intent to distribute cocaine. As a result of the convictions, petitioner was sentenced to twenty-five years imprisonment with eighteen years suspended.

The petition was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. Report of the Magistrate Judge was filed on April 4, 2008, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations

made by the Magistrate Judge. The Court has received no objections to the United States Magistrate Judge's Report and Recommendation and the time for filing same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed April 4, 2008, and it is therefore ORDERED that the petition be DENIED and DISMISSED as barred by the statute of limitations and that judgment be entered in favor of the respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to the petitioner and to counsel of record for the respondent.

Norfolk, Virginia

April 28, 2008



Jerome B. Friedman
UNITED STATES DISTRICT JUDGE
United States District Judge